

1 THE HONORABLE JOHN C. COUGHENOUR
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7 REQUEST FOR JUDICIAL ASSISTANCE
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9 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 PREMIER HARVEST LLC, *et al.*,

CASE NO. C17-0784-JCC

11 Plaintiffs,

REQUEST FOR INTERNATIONAL
JUDICIAL ASSISTANCE (LETTER
ROGATORY)

12 v.

13 AXIS SURPLUS INSURANCE
COMPANY, *et al.*,

14 Defendants.
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16 The United States District Court for the Western District of Washington presents its
17 compliments to the appropriate judicial authority of British Columbia, Canada and requests
18 international judicial assistance to obtain evidence to be used in a civil proceeding before this
19 Court in the above-captioned matter. A trial on this matter is scheduled for January 14, 2019.
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21 This Court requests the assistance described herein as necessary in the interests of justice.
22 The assistance requested is that the appropriate judicial authority of British Columbia, Canada
23 compel the appearance of the following individual to testify in a deposition and provide documents
24 in his own care, custody or control, or in the care, custody or control of his company, Tradex
25 Corporation: Robert Reierson, President & CEO of Tradex Foods, 410-3960 Quadra Street,
26 Victoria, B.C., Canada.

FACTS

This lawsuit involves insurance coverage for damage at a fishing facility in Adak, Alaska, which is a remote island in the far southwestern corner of the Aleutian Islands. The fishing facility was leased and operated by Plaintiffs, operating under the name Premier Harvest. Adak experienced strong windstorms in December 2015, and Premier Harvest’s facility suffered damage from the storms. Defendant AXIS Surplus Insurance Company (“AXIS”) issued a commercial property policy covering the Adak facility. In the first three months following the December storms, AXIS paid \$3 million to cover the storm damage. In this lawsuit, Plaintiffs allege that more funds are owed. AXIS disputes this allegation and alleges that much of the damage claimed as storm-caused loss actually pre-existed the storms.

11 In an examination under oath, one of Premier Harvest’s principals, Dustin Anderson,
12 testified that in 2015, prior to the storms, Tradex Foods (“Tradex”) discussed sub-leasing a portion
13 of the Adak facility from Premier Harvest for purposes of running a cod line. Anderson testified
14 that Tradex’s CEO, Rob Reierson, visited the Adak facility, inspected it, and observed Premier
15 Harvest’s operations. Therefore, Reierson and/or Tradex may possess significant evidence or
16 testimony regarding the condition of the property prior to the storm. Their due diligence or
17 negotiations with Premier Harvest may also be relevant to Plaintiffs’ claims for economic
18 consequential damages.

19 Plaintiffs acknowledged the relevance of Reierson's information and invited AXIS to
20 reach out to Mr. Reierson and obtain documents and information regarding his observations of
21 the Adak facility. AXIS contacted Mr. Reierson, who admitted that he inspected the Adak facility
22 in 2015.

PRAYER FOR RELIEF

24 This case is set for trial on January 14, 2019. The testimony, under oath, of Mr. Robert
25 Reierson is desired for a just adjudication of the issues pending before this Court. The witness
26 should be presented oral questions during the requested depositions by the attorneys or agents of

REQUEST FOR INTERNATIONAL JUDICIAL
ASSISTANCE (LETTER ROGATORY)
C17-0784-JCC
PAGE - 2

1 any party to this action present, including attorneys admitted to practice in the Courts of the State
2 of Washington, on matters related to the claims in the litigation, including the following:

3 1. The condition of the real and personal property leased by Premier Harvest in Adak,
4 Alaska;

5 2. Business operations at the Adak property, including financial information and the
6 nature and needs of those operations; and

7 3. Any and all communications with any representative or owner of any business
8 operating under the name Premier Harvest, including its attorneys.

9 Said deposition is to take place, under oath, at an Official Court Reporter in the Province
10 of British Columbia at a mutually convenient time and location in Victoria, BC (or another mutual
11 agreeable location).

12 In addition, Mr. Reierson and Tradex should also be ordered to produce the following
13 documents:

14 1. Any and all documents relating to any property or commercial operations in Adak,
15 Alaska, including but not limited to inspection reports, appraisals, photographs, contracts
16 (including drafts), text messages, emails, or financial records or analyses; and

17 2. Any and all communications with any representative or owner of any business
18 operating under the name Premier Harvest, including its attorneys.

19 DATED this 6th day of April 2018.



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23 John C. Coughenour
24 UNITED STATES DISTRICT JUDGE
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